

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00460

**Richard Davis Peterson,**  
*Plaintiff,*

v.  
**Gregg County Sheriff's Office et al.,**  
*Defendants.*

**O R D E R**

Plaintiff Richard Davis Peterson, an inmate confined within the Gregg County Jail proceeding pro se and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 2. On January 13, 2025, the magistrate judge issued a report and recommendation that defendants' motion for summary judgment (Doc. 17) be granted—and that plaintiff's lawsuit be dismissed without prejudice for failure to exhaust administrative remedies. Doc. 21.

The court sent a copy of the report to plaintiff. Although plaintiff subsequently filed a motion for the appointment of counsel, that motion was denied. Doc. 23. Plaintiff did not file objections or otherwise respond to the report and recommendation, and the time for doing so has passed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendants' motion for summary judgment (Doc. 17) is granted. Plaintiff's lawsuit is dismissed without prejudice for failure to exhaust administrative remedies. Any pending motions are dismissed.

*So ordered by the court on February 24, 2025.*

  
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J. CAMPBELL BARKER  
United States District Judge